



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5129 (Substitute H-1 as reported without amendment)

Sponsor: Representative Charles Perricone

House Committee: Local Government

Senate Committee: Government Operations

Date Completed: 4-22-96

RATIONALE

Public Act 156 of 1851, which defines the powers and duties of county boards of commissioners, allows special meetings of county boards upon the request of at least one-third of the members and specifies how commissioners are to be notified of the requested meeting. Upon receiving the request of the commissioners the clerk must give notice in writing to each of the commissioners by: causing the notice to be delivered to each commissioner personally; leaving notice at the commissioner's residence; or mailing a copy of the notice by certified mail to each commissioner's address, at least 10 days before the meeting. It has been pointed out that this requirement was placed in statute long before the development of technology, such as the telephone or facsimile transmission, that offers other more efficient means of communication. Further, it has been argued that requiring a 10-day period between the notice of a special meeting and the holding of the meeting can be problematic if a county board wants or needs to respond quickly to an official matter. Some people have suggested that county boards of commissioners should be allowed to develop their own rules for notifying members of special meetings, if they so desire.

CONTENT

The bill would amend Public Act 156 of 1851 to provide that, regarding the holding of a special meeting by a county board of commissioners, the county clerk would have to give notice of the meeting to each commissioner in the manner required by the bylaws or rules of the board. If the bylaws or rules of the board did not specify the manner for giving notice, the clerk would have to give the notice to the commissioners as specified currently in the Act.

MCL 46.10

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would give a county board of commissioners the ability to structure its own system of notifying board members of special meetings. Currently, notice of a special meeting must be given to each commissioner by personal delivery, or by notice left at his or her home, or by certified mail, and the notice must be given 10 days before the meeting. These requirements have been called antiquated and needless, as they preclude notification by telephone, facsimile, or electronic mail, and prevent a board from holding a special meeting with less than 10 days' notice. Though the bill would ease current requirements, a county board still would have to comply with the notification requirements of the Open Meetings Act, as have the vast majority of public boards since the Act's adoption in 1976.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: R. Ross

H9596\S5129A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.